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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND
PROTECTION OF MINORITIES

Forty-fifth session

SUMMARY RECORD OF THE 34th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 26 August 1993, at 10 a.m.

Chairman: Mr. AL-KHASAWNEH

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GE.93-85215 (E)

The meeting was called to order at 10.25 a.m.

COMMUNICATION FROM THE AMBASSADOR OF PERU

1. The CHAIRMAN informed the Sub-Commission that he had received a letter, dated 24 August 1993, from the Permanent Representative of Peru, notifying him, in his capacity as Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, of the fact that on Thursday 19 August a group of 200 terrorists, members of Sendero Luminoso had tortured, mutilated and assassinated 61 Ashaninka men, women and children in the valley of Mazamari, province of Satipo, department of Junin. The letter further mentioned that 14 Ashaninka children had been maimed by Sendero Luminoso, which also held an indeterminate number of Ashaninkas working as slaves under the threat of death. It pointed out that once again terrorism was violating the human rights of the Peruvian population and in that particular case, had sought to commit genocide against the indigenous population. The Government of Peru requested the intervention of the Sub-Commission by means of a statement on the act in question.

2. Mrs. WARZAZI said that the Latin American members of the Sub-Commission might wish to draft a statement similar to that prepared in the case of the Algerian intellectuals.

3. Mrs. DAES requested that the Permanent Representative's letter should be circulated to all-members so that they could come up with a proposal for action by the Sub-Commission within its field of competence.

4. The CHAIRMAN said that the letter would be circulated to members and requested Mrs. Daes to coordinate an appropriate response.

CONSIDERATION OF DRAFT RESOLUTIONS AND DECISIONS (continued)

Review of further developments in fields with which the Sub-Commission has been concerned (agenda item 4) (continued)

Draft resolution E/CN.4/Sub.2/1993/L.51 (continued)

5. The CHAIRMAN announced that the Sub-Commission would continue consideration of the draft resolution.

6. Mr. JOINET said that the first phase of the study would be completed in 1994 and, thereafter work would begin on the second phase.

7. Mr. ALFONSO MARTINEZ said that, if Mr. Joinet meant that the second phase would be completed by 1995, he would go along with consensus on the draft resolution.

8. Draft resolution E/CN.4/Sub.2/1993/L.51, as amended, was adopted without a vote.

Implications of humanitarian activities for the enjoyment of human rights (agenda item 19) (continued)

Draft resolution E/CN.4/Sub.2/1993/L.36 (continued)

9. The CHAIRMAN invited the Sub-Commission to continue its consideration of the draft resolution.

10. Mrs. DAES said that, in view of the exhaustive and lengthy negotiations which had continued right up to the meeting, she would, exceptionally, ask Mrs. Palley to explain the changes which had been proposed to the text.

11. Mrs. PALLEY said that the title had been changed to meet Mr. Heller's concerns and now reflected the agenda item.

12. Wording taken from General Assembly resolution 45/102 had been added at the end of the third preambular paragraph in order to emphasize and clarify the question of international cooperation.

13. Regarding the fourth preambular paragraph, concern had been expressed that reference had been made only to Article 2 of the Charter of the United Nations and an additional reference to Articles 55 and 56 had accordingly been inserted.

14. A new seventh preambular paragraph had been inserted and read as follows:

> "Aware that the modalities of United Nations action in the humanitarian field, in particular the possible utilization of coercive measures in addressing international humanitarian problems, is in a process of evolution and would benefit from a thorough evaluation and clarification in the light of the provisions of the United Nations Charter,".

The text had been made absolutely neutral by saying that the matter required evaluation and clarification.

15. The proposed operative paragraph 3 had been drafted in such a way as to make it clear that there was no question of prejudgment. The text of that paragraph would read as follows:

> "3. Decides to request the Commission on Human Rights to appoint Mrs. Clare Palley as Special Rapporteur on the question of the various modalities of possible United Nations actions under the Charter, including humanitarian assistance when addressing humanitarian problems, taking into account the principle of non-intervention and other principles of general international law enshrined therein and the need to further develop international cooperation in the humanitarian field and the promotion and protection of human rights;".

16. The penultimate preambular paragraph had originally contained a reference to Chapter 9 but that had been removed as being too restrictive.

17. Mr. SACHER asked whether the phrase in the seventh preambular paragraph "in particular the possible utilization of coercive measures" might be taken to imply that the Sub-Commission was assuming that mandated intervention involving the possible use of force majeure was permissible; the question also rose as to how to implement such intervention. He suggested that "a claim for" should be inserted between "in particular" and "the possible utilization". He also proposed that, in the same preambular paragraph, the phrase "is in a process of evolution and would benefit from" should be reworded.

18. Mr. DESPOUY said he welcomed the fact that somebody of the calibre of Mrs. Palley should have agreed to take up what was obviously a very delicate task. He assured her of his full support. He had however some difficulty in following the text. It was clear that the United Nations had already intervened in the humanitarian field, as was reflected in recent activities involving the creation of the Coordinator who worked in New York. To investigate, explore and elucidate what was involved in that type of activity was constructive and useful. Other bodies not specifically in the field of human rights could also make a contribution and coordination with them would be useful as developments in other fields might have repercussions in the human rights field.

19. He had some reservations however. The issue of humanitarian intervention meant that the Sub-Commission would be making incursions into other fields. He could not see from the document how it would be possible to elucidate the distinction between humanitarian intervention and the possible consequences on human rights of such intervention. The problem of the humanitarian consequences of the use of coercive measures by the United Nations might have explosive political implications. The consequences of the United Nations action against Iraq was a case in point.

20. The CHAIRMAN suggested the following text for Mr. Sacher's second amendment: "The modalities of United Nations action in the humanitarian field, in particular the claim for the possible utilization of coercive measures in addressing international humanitarian problems would benefit from a thorough evaluation and clarification in the light of the provisions of the Charter of the United Nations".

21. Mrs. PALLEY said that she would prefer the use of the term "possibility of" in place of "possible".

22. Mr. CHERNICHENKO suggested that no further amendments should be introduced and asked Mr. Sacher to withdraw his amendments in order to avoid further discussion.

23. He had misgivings about the proposal in the draft resolution as it implied that the Sub-Commission would be intruding into the sphere of responsibility of the Security Council.

24. Following a procedural discussion in which Mr. JOINET, Mrs. PALLEY, Mrs. WARZAZI, Mr. ALFONSO MARTINEZ and Mr. CHERNICHENKO took part, the CHAIRMAN announced that Mr. Chernichenko had withdrawn his proposal.

25. Mr. KHALIL said that he had certain reservations, particularly with regard to operative paragraph 3 which was one of the most important parts of the draft resolution, especially in terms of the tenth preambular paragraph which related to the competence of the body of independent experts of the Sub-Commission. In the light of that preambular paragraph, it seemed that operative paragraph 3 went beyond the terms of reference of the Sub-Commission. He suggested that in operative paragraph 3 "including humanitarian assistance" should be deleted. That would therefore preclude any possible criticism that the Sub-Commission was exceeding its mandate.

26. Mr. SACHAR said that the reference in operative paragraph 3 to "possible United Nations actions" should be corrected to read "possibility for United Nations actions". Thus, the draft decision contained in operative paragraph 6 should also be amended to read "the various modalities of the possibility for United Nations action".

27. Mrs. FORERO UCROS suggested that "the functions and powers established in the Charter" in the ninth preambular paragraph should read "the functions and competence established in the Charter".

28. Mrs. KSENTINI said that she was not in favour of the draft resolution as there had been no in-depth debate on what was an extremely important issue. Furthermore, certain aspects needed clarification. Neither had there been time either to examine or discuss the preparatory document submitted by Mrs. Palley (E/CN.4/Sub.2/1993/39), nor was the document available in all working languages. In addition, the draft resolution was available only in English. Consequently, she could not fully endorse either the text or the proposed amendments.

29. She proposed that the seventh preambular paragraph, should be amended to read:

> Aware that the modalities of United Nations action in the humanitarian field would benefit from a thorough evaluation and clarification in the light of the provisions of the United Nations Charter,

thus deleting the middle section referring to the possible utilization of coercive measures.

30. She supported the suggestion made by Mrs. Forero Ucros to replace "power" by "competence" in the ninth preambular paragraph. Furthermore, she suggested, with regard to operative paragraph 3, that the last two and a half lines be deleted thus ending the paragraph with "other principles of general international law."

31. Mrs. DAES said that as, in her opinion, the amendments proposed by Mrs. Ksentini in no way changed the mandate of the Special Rapporteur, they should be adopted. Further, in proposing the draft resolution, the co-sponsors had been guided by the contemporary need for humanitarian assistance. Mrs. Palley had then presented her preparatory document (E/CN.4/Sub.2/1993/39).

32. It was not the fault either of the author or the members of the Working Group that the document had not been translated and distributed in all working languages. The lack of human resources in the Secretariat was to blame and that situation had also led to many other documents not being translated.

33. Mr. GUISSE said that he did not object to the draft resolution as such, or to the work which would have to be carried out by Mrs. Palley. However, the resolution dealt with an extremely important and vast subject. The document before the Sub-Commission contained a great deal of information but was unfortunately only available in English. The Sub-Commission had not, therefore, been able to analyse it in its entirety. He suggested that consideration might be postponed until the forty-sixth session when all relevant documents would be available in all working languages. Mrs. Palley should continue her work on preparing a report and, on that basis, the Sub-Commission would be in a position to decide what course of action needed to be taken.

34. Mr. BOSSUYT said that, in his opinion, the revised draft resolution was of a higher standard than the previous one which had prejudged all the issues which needed to be developed in the study.

35. He felt, however, that to accept Mrs. Ksentini's amendments would do nothing to improve the text. Operative paragraph 3 was balanced in its reference on the one hand to the principles of non-intervention and of general international law and, on the other hand, the need further to develop international cooperation in the humanitarian field and the promotion and protection of human rights. If operative paragraph 3 were to be deleted, the very purpose of the study, which was to look at the possibility of coercive measures, would be undermined.

36. Mrs. KSENTINI said that she had indicated her objections to the draft resolution and that she could, if necessary, go along with the consensus, but only on the condition that the amendments she had proposed were adopted. In the event of their rejection, she would move that no action should be taken on the draft resolution and consideration be postponed until the forty-sixth session of the Sub-Commission.

37. Mrs. PALLEY appealed to Mrs. Ksentini to withdraw her amendments. She did not want the draft resolution to go before the Commission in a form that would ensure its rejection. She fully endorsed Mr. Bossuyt's assertion that the possibility of coercive measures being used was the basis of the report.

38. She proposed that the words "and human rights enforcement" in operative paragraph 1 should be deleted and that the paragraph should read:

> Expresses its appreciation to Mrs. Claire Palley for her preparatory document on the question of the role of the United Nations international humanitarian and human rights activities (E/CN.4/Sub.2/1993/39);

39. Mr. ALFONSO MARTINEZ said that in a spirit of consensus, the text of the draft resolution could be adopted with a few alterations. He agreed with Mr. Bossuyt that an analysis of humanitarian intervention was needed and that

operative paragraph 3, as it stood, was well balanced. If the reference to "the need to further develop international cooperation in the humanitarian field and the promotion and protection of human rights" was removed the text would be unbalanced and that further amendments may be needed at a later stage.

40. Mrs. KSENTINI asked that the amendments she had proposed should be put to the vote. She felt that her amendments did not preclude an examination by the special rapporteur of the question of coercive measures in the sphere of humanitarian action. Above all, she wished to avoid any inference that the Sub-Commission might endorse certain actions undertaken in the name of international law. In the absence of a consensus on the draft resolution, she proposed that it should be deferred until the forty-sixth session.

41. The CHAIRMAN invited the Sub-Commission to vote on Mrs. Ksentini's proposal that no action be taken until the forty-sixth session.

42. The proposal was rejected by 10 votes to 6, with 5 abstentions.

43. The CHAIRMAN invited the Sub-Commission to vote on the amendments proposed by Mrs. Ksentini.

44. The amendments were rejected by 12 votes to 4, with 6 abstentions.

45. The CHAIRMAN invited the Sub-Commission to vote on the revised draft resolution E/CN.4/Sub.2/1993/L.36, as amended.

46. The revised draft resolution E/CN.4/Sub.2/1993/L.36, as amended, was adopted by 14 votes to none, with 7 abstentions.

47. Mrs. WARZAZI said that she wished to draw the attention of the Sub-Commission to the fact that when it was convenient, a lack of time to study a document was pleaded, whilst in other cases, even when the document had not been submitted, there were no objections and draft resolutions were adopted.

48. Mr. SABOIA said that he had reservations about the usefulness of the study to be undertaken. It seemed that the Sub-Commission was exceeding its terms of reference. Humanitarian assistance and questions related to possible enforcement action by the Security Council did not fall within its mandate. For that reason he had abstained in the vote on the revised draft resolution.

49. Mr. TIAN JIN said that the discussions which had been held on the draft resolution indicated that there was something wrong with the way the Sub-Commission dealt with new subjects. It should not rush through draft resolutions in the way it had just done and as it had done the previous day. The Sub-Commission should make a serious effort to observe the proper procedures. The question of humanitarian intervention or assistance was of great importance. No formal discussions on that question had been held, yet a draft resolution was before the Sub-Commission and amendments had been made. That was not a satisfactory situation.

50. Mrs. MBONU said that if operative paragraph 3 had been amended as suggested, the very nature of the work to be done by the special rapporteur would become irrelevant. For that reason, she had voted for the adoption of the draft resolution, as amended earlier, but against Mrs. Ksentini's amendments. The special rapporteur had a very important assignment ahead of her.

51. Mr. JOINET said that he had abstained for methodological reasons. It was essential that when the Sub-Commission was examining documents on not only important but complicated issues, all documentation should be available in at least two of the working languages. However, the problem lay not so much with the fact that the revised draft resolution had been available only in one language, but that the Sub-Commission had not once discussed the question of humanitarian assistance and intervention in its plenary meetings. It was deplorable that informal meetings were assuming more importance. The failure to discuss the questions in plenary session had led to a situation whereby the Sub-Commission was forced into a debate when it had a draft resolution before it and needed to take a vote. That situation should not recur.

52. Mr. ALFONSO MARTINEZ said that he had voted in favour of the draft resolution because he considered that the Sub-Commission had a valuable contribution to make and that the Sub-Commission was the best forum for an exhaustive analysis of the implications of humanitarian activities for the enjoyment of human rights.

53. Mr. Tian Jin had made a rather inappropriate remark when explaining his vote on the draft resolution. If he had understood it correctly, Mr. Tian Jin had said that he would have liked the Sub-Commission to have had a more serious discussion. He took strong exception to that statement, since it was a criticism of both his own work and that of the Sub-Commission as a whole.

54. Mr. KHALIL said that since the Sub-Commission had not had time to discuss what was a very important issue in full, he had thought it advisable to abstain in the vote.

55. Mr. Despouy had quite correctly raised several issues. He had not wanted the resolution to be criticized for going beyond the competence of the Sub-Commission.

56. However, that consideration should not detract from the importance of the issue, he was sure that the misuse of humanitarian cover for political ends was uppermost in everyone's minds, and he looked forward to the study which would be submitted in 1994.

57. Mr. UL-HAKIM said that he endorsed Mr. Saboia's comments. He had not spoken before the vote, in the interests of consensus; since there had been no consensus, he had abstained in the vote.

58. Mr. DESPOUY said that he had already made his feelings clear about the resolution. He could not remember a previous occasion on which it had been necessary to take a vote on the appointment of a special rapporteur. The

normal procedure was to approve such an appointment by consensus. The job would involve the evaluation of highly political decisions and would be a great challenge for Mrs. Palley, to whom he wished every success.

59. Mrs. KSENTINI said that she had proposed her amendments because she had serious doubts about the seventh preambular paragraph and operative paragraph 3 which referred to the possibility of coercive action in the human rights field. She had therefore been unable to associate herself with the resolution and had not participated in the decision.

60. Mr. CHERNICHENKO said that the issue was a very important one that needed to be explored and he wished Mrs. Palley every success. However, like other colleagues, he was concerned that the Sub-Commission might be encroaching upon the sphere of competence of the Security Council. He had not wanted to block the resolution, but had not felt able to participate in the vote.

Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers (agenda item 11) (continued)

Draft resolution E/CN.4/Sub.2/1993/L.52

61. Mr. GUISSE said that in the interests of clarity the following text should be inserted into operative paragraph 3 of the draft resolution, after the word "judiciary": "particularly with regard to judges and lawyers and court officers".

62. Mr. ALFONSO MARTINEZ said that he wondered whether it was appropriate to include such a detailed description of the mandate of a special rapporteur and he therefore proposed that after the word "judiciary" in the third line of operative paragraph 3 of the draft resolution, the paragraph should read "in the form and with the mandate which it might deem appropriate", thus deleting the rest of the paragraph. The reason for his amendment was that he did not think that a lower body should instruct a higher body as to the form of a possible mechanism. It should be left to the wisdom of the Commission on Human Rights to take the appropriate measures. The Commission might decide to appoint an independent expert or a working group or a special rapporteur. The text he had proposed would be a compromise since it would enable a mechanism to be established but would not prejudge the form it would take.

63. Mr. JOINET said that the encouragement that he had received from the Commission on Human Rights and the General Assembly was precisely due to the methods he had used in his report (E/CN.4/Sub.2/1993/25). He had wanted to break out of the usual mould whereby a special rapporteur examined human rights violations, received communications and then described the situation. The idea in the present draft resolution was to introduce the adversarial examination. It would be best to define the method to be used, to test reactions to it and only then to decide upon it. He had also chosen to include positive ideas in his report as well as to give attention to negative aspects. Further, each year in his reports, he had tried to study a question of principle that was of topical interest. In the light of the overwhelming support his initiatives had received, he hoped that the proposals in the draft resolution would be accepted as they stood. In any case, the Commission on Human Rights was at liberty to choose to take up all or part of the

Sub-Commission's draft resolution. The Commission had asked for recommendations and if it did not agree with the Sub-Commission's recommendations it could define the mandate as it wished. He hoped that Mr. Alfonso Martínez would withdraw his proposed amendment.

64. Mrs. KSENTINI asked whether the special rapporteur would be drawn from the Commission on Human Rights or from the Sub-Commission, since there appeared to be some confusion between operative paragraph 3 of the draft resolution and operative paragraph 2 of the draft resolution recommended to the Commission.

65. She pointed out that Mr. Joinet's report was a final report and in those circumstances it was usual to express satisfaction at the work of the Special Rapporteur. She therefore proposed a new operative paragraph 1 which would read: "Expresses its satisfaction and sincere appreciation to the Special Rapporteur, Mr. Joinet for the important work he has performed".

66. Mr. ALFONSO MARTINEZ asked whether the sponsors of the draft resolution supported his amendment.

67. Mr. EIDE, speaking as a sponsor of the draft resolution, said that he thought that Mr. Alfonso Martínez should withdraw his amendment because it would be useful to make specific recommendations to the Commission on the basis of the Sub-Commission's expertise. The Commission would make its own decision but it could take advice. Nevertheless, it should be possible to reword operative paragraph 3 by inserting after "judiciary" the words "and recommends that this takes the form of".

68. Mrs. WARZAZI said that she had been very impressed by a statement made by Mr. Wako, a former Special Rapporteur of the Commission on Human Rights at the 1993 World Conference on Human Rights. He had pointed out that it was not always due to a Government's bad faith that a judiciary was neither independent nor impartial. The police and law enforcement officials in developing countries were often badly paid and consequently poorly motivated. It should therefore come as no surprise that some judgements failed to comply with the rules of objectivity and impartiality. Special rapporteurs should take such situations into account.

69. She proposed the following amendments to operative paragraph 3. Firstly, in the third line after the word "judiciary" the words "and the nature of problems which might affect the independence and impartiality" should be inserted. In addition, operative paragraph 3 (c) should be replaced by:

> "(c) To consider situations requiring technical assistance when this is requested by the States concerned".

70. Mr. HELLER proposed merging operative paragraph 3 (b) and (c) and adding "and drug trafficking" after "terrorism" in operative paragraph 3 (d).

71. Mr. DESPOUY, speaking as a sponsor of the draft resolution, said that Mrs. Ksentini had made some relevant points and that it would be entirely appropriate for the Sub-Commission to express its satisfaction with the work of the Special Rapporteur. The sponsors of the draft resolution had thought

it clear that the Commission on Human Rights would create the monitoring mechanism in the Sub-Commission but if for grammatical reasons it might be necessary to add a few explanatory words, he would not object.

72. Mrs. Wazarzi had asked that the idea of the nature of the problems confronting the judiciary should be reflected; it was an interesting point and did in fact expand the mandate of the special rapporteur. Two statements had been made that aimed at limiting the imperative nature of the recommendation to the Commission, but he could agree with whatever form of words was used.

73. The idea underlying the resolution was to set up the monitoring mechanism and describe ways in which it would operate. The methodology of the Sub-Commission had led it to make what it considered to be the most appropriate recommendation to the Commission. The Commission had asked to be sent recommendations and the Sub-Commission should have no hesitation in sending as comprehensive a recommendation as possible so as to give guidance to the Commission and to give the special rapporteur clear instructions.

74. Mr. ALFONSO MARTINEZ said that he had no problems about going along with the draft resolution if the mandate for the special rapporteur was a suggestion rather than a specific instruction. Furthermore, the proposed merger between operative paragraph 3 (b) and (c) would mean the deletion of the words "disturbing situations" which had troubled him.

75. Mr. GUISSE said that he had found the proposals made by Mrs. Ksentini and Mr. Eide's explanation about the mechanism to be proposed to the Commission highly satisfactory. It was important that the Sub-Commission should take part in the decision of the Commission, especially since it concerned an expert from the Sub-Commission. He especially welcomed Mrs. Warzazi's comments on the reasons for impartiality since economic causes were very important.

76. Mr. YOKOTA said that he understood Mr. Alfonso Martínez's concern but that in substance he agreed with Mr. Eide. He was worried that there was some discrepancy in the wording of operative paragraph 3 which started "Accordingly requests" and operative paragraph 2 of the draft resolution to be recommended to the Commission, which began "Endorses the proposal". He therefore proposed replacing "requests" in operative paragraph 3 with "recommends" and "proposal" in operative paragraph 2 of the draft resolution to be recommended to the Commission with "recommendation". He also endorsed Mrs. Warzazi's proposals.

77. Mrs. FORERO UCROS endorsed Mrs. Warzazi's proposals and Mr. Heller's comments and proposals, in particular the reference to the issue of drug trafficking in operative paragraph 3 (d).

78. Mr. JOINET said that all the proposals so far, except for the first, had been in line with the spirit of the draft resolution. He wished to clarify the situation with regard to proposed amendments. The merged subparagraphs (b) and (c) of paragraph 3 would read:

"To identify and record not only attacks on the independence of the judiciary but also the progress made in remedying them, particularly by considering situations requiring technical assistance when it is requested by States."

79. Draft resolution E/CN.4/Sub.2/1993/L.52, as amended, was adopted without a vote.

Draft resolution E/CN.4/Sub.2/1993/L.48

80. Mrs. CHAVEZ said that she had every confidence that Mr. Eide would be an impartial special rapporteur. However, the draft resolution seemed to her to be written in old-fashioned Marxist terms. For example, the idea that poverty was caused by unequal income distribution was out of date. It was possible to have an unequal distribution of income in a generally prosperous society, as well as a society with a more or less equal distribution of income living in general poverty. The approach adopted might prejudge the outcome of the study. She hoped that the study would give serious attention to the problem of poverty. It must also examine the inequalities in income distribution in oil-producing States such as Saudi Arabia.

81. Mr. SABOIA said that he did not think that the proposed study had any connection with Marxist views. Previous studies dealing with poverty continued to be relevant. He proposed that in the first line of operative paragraph 3 the passage "..., as Special Rapporteur" should be replaced by "Mr. Asbjorn Eide" and that in the first line of operative paragraph 4 the words "the Special Rapporteur" should be replaced by "Mr. Asbjorn Eide". He also proposed that operative paragraphs 5 to 9 should be deleted and replaced by a new paragraph reading:

"Decides to examine the preparatory document to be presented by Mr. Asbjorn Eide at its forty-sixth session in order to consider further action on the matter."

82. Mrs. KSENTINI supported Mr. Saboia's amendments. However, she wished to propose the insertion of the words "without financial implications" after the words "decides to entrust" in operative paragraph 3. It would be useful for the Sub-Commission to have Mr. Eide's preparatory document before it considered the possibility of preparing a study. In the preparatory document emphasis should be placed on the problem of overconsumption and waste of resources in certain developed countries and on the impact of structural adjustment programmes on underprivileged groups.

83. Mr. YOKOTA agreed with Mr. Saboia that no Marxist wording could be detected in the text. He suggested that in the third line of operative paragraph 3 the words "in particular economic, social and cultural rights" should be deleted. Their inclusion would limit the scope of the work, since there was a certain relationship between civil and political rights and income distribution.

84. Mr. ALFONSO MARTINEZ said that, as a convinced Marxist, he welcomed the appointment of a non-Marxist as special rapporteur and that he wished to be added to the list of sponsors.

85. Mrs. WARZAZI said that she supported the idea of making a study on human rights and income distribution. The time had come to give importance to the right to development and equality of income. She proposed that the words "especially in the developing countries" should be added at the end of the eleventh preambular paragraph; that the words "to the least favoured" should be added at the end of operative paragraph 1; and that at the end of operative paragraph 3 the words "to continue attention to these issues" should be replaced by the words "to strengthen activities concerned with this question".

86. Mrs. CHAVEZ asked whether Mrs. Warzazi was concerned about the poor and the unequal distribution of wealth only in developed countries and was unconcerned about such problems in countries like Saudi Arabia.

87. Mrs. WARZAZI replied that Saudi Arabia was not the only oil-producing country. The answer was to be found in the tenth preambular paragraph. If Saudi Arabia was among the richest 20 per cent of the world maintaining an 83 per cent share of global income, her amendment held good.

88. Mrs. CHAVEZ said that the proposal was concerned with the distribution of wealth not only between countries but also within them. She was shocked that the issue was being placed in a very political framework. Mrs. Warzazi's proposed amendment to the eleventh preambular paragraph made it clear that an attempt was being made to single out certain countries for criticism and to ignore the problems existing in others. She therefore hoped that, in order to avoid giving the impression that the Sub-Commission was concerned about human rights violations in some countries but not in others, Mrs. Warzazi would withdraw her amendment.

89. The CHAIRMAN asked whether the concern expressed by Mrs. Chavez was taken care of by the words "at both national and international levels" in operative paragraph 3.

90. Mrs. CHAVEZ replied that it was not.

91. Mr. SABOIA, responding to the comments made, said that the sponsors had attempted to strike a balance between the national and international levels, which it was important not to destroy. The special rapporteur would be able to examine those two aspects in a very impartial manner and make proposals to the Sub-Commission. With regard to the amendment proposed by Mrs. Warzazi to operative paragraph 1, he suggested that the words "expand access to" should be replaced by the words "and ensure more equitable access to", which were absolutely impartial. He requested Mrs. Warzazi not to insist on a specific reference to the developing countries in the eleventh preambular paragraph. The particular problems of the developing countries would naturally be dealt with during the preparation of the document, but it had to be acknowledged that the problem of income distribution existed and was relevant to the enjoyment of human rights in developed countries as well. Her amendment to operative paragraph 3 was, however, acceptable. He pointed out to Mr. Yokota that the inclusion of the words "in particular economic, social and cultural rights" in operative paragraph 3 did not exclude civil and political rights and that Mr. Eide would be free to examine all human rights. Economic, social and cultural rights had been mentioned only because they had received less attention in the past.

92. The CHAIRMAN said that the wording proposed by Mr. Saboia for operative paragraph 1 would appear to cover Mrs. Warzazi's amendment to that paragraph.

93. Mr. YOKOTA said that, in view of Mr. Saboia's explanation, he would not press his amendment.

94. Draft resolution E/CN.4/Sub.2/1993/L.48, as amended, was adopted without a vote.

Draft resolution E/CN.4/Sub.2/1993/L.49

95. Mr. EIDE pointed out an error in operative paragraph 7, since the Secretary-General could not appoint a special rapporteur.

96. After a brief discussion in which Mrs. WARZAZI, Mrs. KSENTINI, Mr. ALFONSO MARTINEZ, Mr. DESPOUY, Mr. SACHAR and Mr. YIMER took part, the CHAIRMAN suggested that operative paragraph 7 should be deleted.

97. It was so decided.

98. Draft resolution E/CN.4/Sub.2/1993/L.49, as amended, was adopted without a vote.

Draft resolution E/CN.4/Sub.2/1993/L.9

99. Mrs. DAES drew attention to an omission in the fourth preambular paragraph and in operative paragraphs 1 and 2, where the words "or ethnic" should be inserted after the word "national" in order to bring the text into line with the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities.

100. Mr. ALFONSO MARTINEZ proposed that in operative paragraph 2 the words "and of international humanitarian law" should be inserted after the words "international law".

101. Draft resolution E/CN.4/Sub.2/1993/L.9, as amended, was adopted without a vote.

OTHER MATTERS

102. Mr. JOINET asked why, when the Sub-Commission had almost come to the end of its session, no summary records had yet been distributed in French, and why the press releases identified the countries from which members came - a practice which had sometimes given rise to misunderstandings.

103. The CHAIRMAN said that the Secretariat would reply at the next meeting.

The meeting rose at 1.15 p.m.